

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

RICHARD E. STROUPE, II.,

Plaintiffs,

v.

THE CITY OF OLYMPIA et al.,

Defendants.

Case No. C04-5626 JKA

ORDER ON DEFENDANTS'  
MOTION FOR RECONSIDERATION

This matter comes before the Court on Defendants' Motion for Reconsideration of Summary Judgment Order (Doc. #46).

Local Rule 7(h) addresses **Motions for Reconsideration**.

(1) Standard. Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to the attention earlier with reasonable diligence.

(3) Response. No response to a motion for reconsideration shall be filed unless requested by the court. No motion for reconsideration will be granted without such a request. . . . .

Defendants' motion is two-part:

**a. Defendants seek relief from the court's ruling denying the defense of qualified immunity.**

Pursuant to Local Rule 7(h)(1) the *motion is denied*.

**b. Defendants seek relief from the court's identifying Officer Bryan Henry as a defendant.**

Although Local Rule 7(h)(3) technically requires the court to invite a response before granting relief on a motion for reconsideration, the court can take judicial notice of the fact that Bryan Henry is not a named defendant, apologize for the error, and grant the relief requested without requiring a response.

1 Accordingly the *motion to reconsider is granted with regard to Officer Bryan Henry and the Court's*  
2 *Order of August 24 (Doc.#44) is amended to the extent it references Officer Henry as a named*  
3 *defendant.*

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5 Dated this 25<sup>th</sup> day of August 2006.

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7 /s/ J. Kelley Arnold

8 J. Kelley Arnold, U.S. Magistrate Judge  
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